

1 LEGISLATIVE COUNSEL BUREAU, LEGAL DIVISION
2 KEVIN C. POWERS, General Counsel
3 Nevada State Bar No. 6781
4 401 S. Carson St.
5 Carson City, NV 89701
6 Tel: (775) 684-6830
7 Fax: (775) 684-6761
8 Email: kpowers@lcb.state.nv.us

9 *Attorneys for Proposed Intervenor-Defendant Legislature of the State of Nevada*

10 **FIRST JUDICIAL DISTRICT COURT OF NEVADA**
11 **CARSON CITY**

12 NATIONAL TAXPAYERS UNION, a
13 nonprofit organization; and ROBIN L. TITUS,
14 MD,

15 Plaintiffs,


16 vs.

17 JOSEPH LOMBARDO, in his official capacity
18 as Governor of the State of Nevada; ZACH
19 CONINE, in his official capacity as Nevada State
20 Treasurer; RICHARD WHITLEY, in his official
21 capacity as Director of the Nevada Department of
22 Health and Human Services; SCOTT J. KIPPER,
23 in his official capacity as the Nevada
24 Commissioner of Insurance; and RUSSELL
COOK, in his official capacity as Executive
Director of the Silver State Health Insurance
Exchange,

Defendants, and

LEGISLATURE OF THE STATE OF
NEVADA,

Proposed Intervenor-Defendant.

RECEIVED & FILED
2024 FEB 20 PM 4:32
WILLIAM SCOTT HOEN
CLERK
BY  DEPUTY

Case No. 24 OC 00001 1B

Dept. No. II

ORIGINAL

21 **REQUEST TO SUBMIT**
22 **STIPULATION AND ORDER REGARDING INTERVENTION BY LEGISLATURE,**
23 **BRIEFING SCHEDULE, AND RELATED PROCEDURAL MATTERS**
24

1 The Legislature of the State of Nevada ("Legislature"), by and through its counsel the Legal
2 Division of the Legislative Counsel Bureau ("LCB Legal") under NRS 218F.720, hereby requests
3 the Clerk pursuant to FJDCR 3.11(a) to submit to the Court for review and approval the parties'
4 Stipulation and Order Regarding Intervention by Legislature, Briefing Schedule, and Related
5 Procedural Matters, which is attached hereto.

6 DATED: This 20th day of February, 2024.

7
8 By:



KEVIN C. POWERS

General Counsel

Nevada Bar No. 6781

LEGISLATIVE COUNSEL BUREAU, LEGAL DIVISION

401 S. Carson St.

Carson City, NV 89701

Tel: (775) 684-6830; Fax: (775) 684-6761

Email: kpowers@lcb.state.nv.us

Attorneys for Proposed Intervenor-Defendant

Legislature of the State of Nevada

CERTIFICATE OF SERVICE

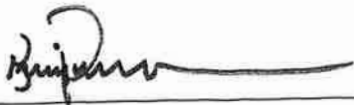
I hereby certify that I am an employee of the Nevada Legislative Counsel Bureau, Legal Division, and that on the 20th day of February, 2024, pursuant to NRCP 5(b) and the parties' stipulation and consent in writing to service by electronic mail, I served a true and correct copy of the Legislature's Request to Submit Stipulation and Order Regarding Intervention by Legislature, Briefing Schedule, and Related Procedural Matters, by electronic mail, directed to the following:

Joshua M. Halen, Esq.
HOLLAND & HART LLP
5441 Kietzke Lane, 2nd Floor
Reno, NV 89511
Tel: (775) 327-3000
Fax: (775) 786-6179
jmhalen@hollandhart.com

Constance L. Akridge, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Tel: (702) 669-4600
Fax: (702) 669-4650
clakridge@hollandhart.com

Christopher M. Jackson, Esq.
(pro hac vice pending)
HOLLAND & HART LLP
555 17th Street, Suite 3200
Denver, CO 80202
Tel: (303) 295-8000
Fax: (303) 295-8261
cmjackson@hollandhart.com

Attorneys for Plaintiffs



Kevin C. Powers
An Employee of the Legislative Counsel Bureau

Aaron D. Ford
Attorney General
Marni K. Watkins
Chief Litigation Counsel
Casey J. Quinn
Senior Deputy Attorney General
OFFICE OF NEVADA ATTORNEY GENERAL
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
Tel: (702) 486-3783
Fax: (702) 486-3773
MKWatkins@ag.nv.gov
CQuinn@ag.nv.gov
Attorneys for State Executive Defendants

1 LEGISLATIVE COUNSEL BUREAU, LEGAL DIVISION

2 KEVIN C. POWERS, General Counsel

3 Nevada State Bar No. 6781

4 401 S. Carson St.

5 Carson City, NV 89701

6 Tel: (775) 684-6830

7 Fax: (775) 684-6761

8 Email: kpowers@lcb.state.nv.us

9 *Attorneys for Proposed Intervenor-Defendant Legislature of the State of Nevada*

10 **FIRST JUDICIAL DISTRICT COURT OF NEVADA**
11 **CARSON CITY**

12 NATIONAL TAXPAYERS UNION, a
13 nonprofit organization; and ROBIN L. TITUS,
14 MD,

15 Plaintiffs,

16 vs.

17 JOSEPH LOMBARDO, in his official capacity
18 as Governor of the State of Nevada; ZACH
19 CONINE, in his official capacity as Nevada State
20 Treasurer; RICHARD WHITLEY, in his official
21 capacity as Director of the Nevada Department of
22 Health and Human Services; SCOTT J. KIPPER,
23 in his official capacity as the Nevada
24 Commissioner of Insurance; and RUSSELL
COOK, in his official capacity as Executive
Director of the Silver State Health Insurance
Exchange,

Defendants, and

LEGISLATURE OF THE STATE OF
NEVADA,

Proposed Intervenor-Defendant.

Case No. 24 OC 00001 1B

Dept. No. II

21 **STIPULATION AND ORDER REGARDING INTERVENTION BY LEGISLATURE,**
22 **BRIEFING SCHEDULE, AND RELATED PROCEDURAL MATTERS**

1
2
3
4
5
6
7
8
9
10

PARTIES AND COUNSEL

This Stipulation and Order is agreed to and approved by (1) Joshua M. Halen, Esq., Constance L. Akridge, Esq., and Christopher M. Jackson, Esq. (*pro hac vice* pending), Holland & Hart LLP, counsel for the Plaintiffs; (2) Aaron D. Ford, Attorney General, Marni K. Watkins, Chief Litigation Counsel, and Casey J. Quinn, Senior Deputy Attorney General, Office of the Nevada Attorney General, counsel for the Defendants (“State Executive Defendants”); and (3) Kevin C. Powers, General Counsel, Legislative Counsel Bureau, Legal Division, counsel for Proposed Intervenor-Defendant Legislature of the State of Nevada (“Legislature”). For the purposes of this Stipulation and Order, the term “Party” or “Parties” includes the Plaintiffs, the State Executive Defendants, and the Legislature.

11

BACKGROUND

12 On January 2, 2024, the Plaintiffs filed a complaint for declaratory and injunctive relief that
13 raises several state constitutional claims challenging certain provisions of Senate Bill No. 420 of
14 the 81st Session of the Legislature (2021). The challenged provisions are more commonly known
15 as the public option health benefit plan (“public option plan”). See 2021 Nev. Stat., ch. 537, §§ 2-
16 15, at 3616-22 (codified as NRS Chapter 695K).

17 On January 29, 2024, the Plaintiffs filed a first amended complaint for declaratory and
18 injunctive relief that, in addition to the state constitutional claims, includes a state statutory claim
19 under the Nevada Administrative Procedure Act (“APA”) in NRS Chapter 233B.

20

STIPULATION

21 The Parties, through their respective counsel, hereby stipulate and agree, subject to the
22 Court’s approval, as follows:

23 1. The Parties stipulate and agree that the Legislature is granted intervention in this action
24 under NRCP 24 and NRS 218F.720 as an Intervenor-Defendant.

1 2. The Parties stipulate and agree that, in response to the first amended complaint for
2 declaratory and injunctive relief, the State Executive Defendants and the Legislature will file
3 motions to dismiss the first amended complaint under NRCP 12(b), and/or any joinders thereto, in
4 accordance with the following schedule, and the Parties stipulate and agree that their respective
5 documents will involve complex issues of state law, and the Parties ask the Court, for good cause
6 shown, to extend the page limits for motions, oppositions, and replies under FJDCR 3.23.
7 Accordingly, upon approval of this Stipulation and Order by the Court:

8 (a) Not later than February 23, 2024, the State Executive Defendants and the Legislature
9 must file and serve their motions to dismiss, and not later than February 26, 2024, they must file
10 and serve any joinders thereto. Such motions to dismiss (1) must not exceed 25 pages, exclusive
11 of the caption, the signature block, the certificate of service, any exhibits, and any addendum
12 reproducing provisions of constitutions, statutes, rules, regulations, or similar materials; and
13 (2) must include a table of contents and table of authorities, which are also excluded from the page
14 limits.

15 (b) Not later than March 8, 2024, the Plaintiffs must file and serve their oppositions to the
16 motions to dismiss and any joinders thereto. Such oppositions (1) must not exceed 25 pages,
17 exclusive of the caption, the signature block, the certificate of service, any exhibits, and any
18 addendum reproducing provisions of constitutions, statutes, rules, regulations, or similar materials;
19 and (2) must include a table of contents and table of authorities, which are also excluded from the
20 page limits.

21 (c) Not later than March 22, 2024, the State Executive Defendants and the Legislature must
22 file and serve their replies in support of their motions to dismiss. Such replies (1) must not exceed
23 15 pages, exclusive of the caption, the signature block, the certificate of service, any exhibits, and
24 any addendum reproducing provisions of constitutions, statutes, rules, regulations, or similar

1 materials; and (2) must include a table of contents and table of authorities, which are also excluded
2 from the page limits.

3 3. The Parties agree and consent to service by electronic mail under NRCP 5(b)(2)(E).
4 The Parties agree and stipulate that NRCP 6(d), which provides for additional time after certain
5 kinds of service, shall not apply to the Parties' service by electronic mail in this case. The Parties
6 may use portable document format (pdf) or Microsoft Word as the format for attachments to
7 service by electronic mail. Each Party filing a document must serve the document by electronic
8 mail on counsel for the other Parties by 11:59 p.m. at the Court's local time on the same date that
9 the document is sent to the clerk's office by mail or other third-party carrier for filing or is hand-
10 delivered to the clerk's office for filing.

11 //
12 //
13 //
14 //
15 //
16 //
17 //
18 //
19 //
20 //
21 //
22 //
23 //
24 //

//

1 **SIGNATURES FOR STIPULATION AND ORDER REGARDING INTERVENTION BY**
2 **LEGISLATURE, BRIEFING SCHEDULE, AND RELATED PROCEDURAL MATTERS**

3 DATED: This 15th day of February, 2024. DATED: This ____ day of _____, 2024.

4 By: _____

5 **Joshua M. Halen, Esq.**
6 HOLLAND & HART LLP
7 5441 Kietzke Lane, 2nd Floor
8 Reno, NV 89511
9 Tel: (775) 327-3000
10 Fax: (775) 786-6179
11 jmhalen@hollandhart.com

12 **Constance L. Akridge, Esq.**
13 HOLLAND & HART LLP
14 9555 Hillwood Drive, 2nd Floor
15 Las Vegas, NV 89134
16 Tel: (702) 669-4600
17 Fax: (702) 669-4650
18 clakridge@hollandhart.com

19 **Christopher M. Jackson, Esq.**
20 (*pro hac vice* pending)
21 HOLLAND & HART LLP
22 555 17th Street, Suite 3200
23 Denver, CO 80202
24 Tel: (303) 295-8000
Fax: (303) 295-8261
cmjackson@hollandhart.com

Attorneys for Plaintiffs

(continued on next page)

By: _____

Marni K. Watkins
Chief Litigation Counsel
Casey J. Quinn
Senior Deputy Attorney General
OFFICE OF NEVADA ATTORNEY GENERAL
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
Tel: (702) 486-3783
Fax: (702) 486-3773
MKWatkins@ag.nv.gov
CQuinn@ag.nv.gov
Attorneys for State Executive Defendants

1 **SIGNATURES FOR STIPULATION AND ORDER REGARDING INTERVENTION BY**
2 **LEGISLATURE, BRIEFING SCHEDULE, AND RELATED PROCEDURAL MATTERS**

3 DATED: This ____ day of _____, 2024.

4 DATED: This 14th day of February, 2024.

5 By: _____

6 **Joshua M. Halen, Esq.**
7 HOLLAND & HART LLP
8 5441 Kietzke Lane, 2nd Floor
9 Reno, NV 89511
10 Tel: (775) 327-3000
11 Fax: (775) 786-6179
12 jmhalen@hollandhart.com

13 **Constance L. Akridge, Esq.**
14 HOLLAND & HART LLP
15 9555 Hillwood Drive, 2nd Floor
16 Las Vegas, NV 89134
17 Tel: (702) 669-4600
18 Fax: (702) 669-4650
19 clakridge@hollandhart.com

20 **Christopher M. Jackson, Esq.**
21 (*pro hac vice* pending)
22 HOLLAND & HART LLP
23 555 17th Street, Suite 3200
24 Denver, CO 80202
Tel: (303) 295-8000
Fax: (303) 295-8261
cmjackson@hollandhart.com

Attorneys for Plaintiffs

(continued on next page)

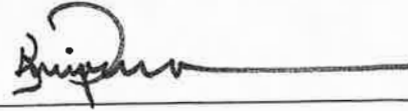
By: _____

Marni K. Watkins
Chief Litigation Counsel
Casey J. Quinn
Senior Deputy Attorney General
OFFICE OF NEVADA ATTORNEY GENERAL
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
Tel: (702) 486-3783
Fax: (702) 486-3773
MKWatkins@ag.nv.gov
CQuinn@ag.nv.gov
Attorneys for State Executive Defendants

1 **SIGNATURES FOR STIPULATION AND ORDER REGARDING INTERVENTION BY**
2 **LEGISLATURE, BRIEFING SCHEDULE, AND RELATED PROCEDURAL MATTERS**

3 (continued from previous page)

DATED: This 20~~th~~ day of FEB., 2024.

4 By: 

5 **Kevin C. Powers**
6 General Counsel
7 LEGISLATIVE COUNSEL BUREAU,
8 LEGAL DIVISION
9 401 S. Carson St.
10 Carson City, NV 89701
11 Tel: (775) 684-6830
12 Fax: (775) 684-6761
13 kpowers@lcb.state.nv.us
14 *Attorneys for Intervenor-Defendant*
15 *Legislature of the State of Nevada*

11 **IT IS ORDERED:**

- 12 Granted
13 Granted in part:
14 _____
15 and Denied in part:
16 _____
17 Denied
18 Other: _____

19 DATED: _____

20 _____
21 DISTRICT COURT JUDGE
22
23
24